

Amendments to the Drawings

The attached sheet 15 of drawings includes changes to Figs. 30 and 31. This sheet replaces the original sheet 15 including Figs. 30 and 31. In Figs. 30 and 31, previously omitted reference numbers have been added.

Attachments: 1) Replacement Sheet

2) Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Paragraphs [0055] and [0070] of the specification has been amended to correct typographical errors in reference number 54 in paragraph [0055] and reference number 156 in paragraph [0070].

Figs. 30 and 31 of the drawings are amended by adding reference numbers which are present in the specification but mistakenly omitted from these drawings. With the amendments, it is submitted that the drawings now comply with 37 CFR §1.84(p)(5).

Claims 1-4 are present in this application. Claim 3 has been amended to correct an inconsistency in the preamble. New claim 4 has been added to further protect applicants' invention.

Applicants respectfully traverses the rejection of claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Francisco et al. patent 2,245,969. It is respectfully submitted that Francisco et al. shows a nasal cannula, not a nasal mask as claimed. The Francisco et al. device has a frame 5-8 which is similar to an eyeglass frame in that it is secured to a patient's ears and extends over the bridge of the patient's nose. A fitting 12 is rigidly secured to the front face of the plate 8 (column 2, lines 6-7). The fitting 12 is in the form of a hollow member which forms an inlet 13 for connection to a source of oxygen, and forms two downwardly diverging passages leading from the air inlet to two openings in which the upper ends of two nasal tubes 15 are slidably positioned (column 2, lined 13-25). A spring plate 18 frictionally holds the nasal tubes 15 in the fitting while allowing the vertical position of the nasal tubes 15 to be adjusted to engage a patient's nares. It is submitted that the spring plate 18 is not a lock which is moveable between a locked position and an unlocked position.

Claim 1 specifically states that the first end of the elbow is attached to the body to rotate about an axis substantially perpendicular to the body, and a second end of the elbow is adapted to be attached to a source of gas. It is submitted that this

arrangement is not shown in Francisco et al. The end of the Francisco et al. nasal tube 15 which is attached to the fitting 12 is the same end as is connected to the source of gas, while the claim requires that one end of the elbow is attached to the body and the other end of the elbow is adapted to be attached to a source of gas. Since there is no teaching in Francisco et al. of providing an elbow with one end of connected to a mask body to rotate about an axis and a second end adapted to be connected to a source of gas, claim 1 and the claims dependent thereon clearly are not anticipated by Francisco et al. In view of the differences between claims 1 and 2 and Francisco et al., it is submitted that claims 1 and 2 are not anticipated and that the rejection should be withdrawn.

Applicants respectfully traverse the rejection of claim 3 under 35 U.S.C. §103(a) as being unpatentable over Francisco et al. The office action asserts that Francisco et al. shows the second end of an elbow extending substantially 90° to the axis. However, as specified in the claims, the second end of the elbow is the end which is adapted to be connected to a source of gas. In Francisco et al., the source of gas is connected to the fitting 12 which is connected to the upper ends of the nasal tubes 15. The upper ends of the nasal tubes 15 which are nearest the source of gas are aligned with the axis, they do not extend substantially 90° to the axis. Claim 3 also specifies that the lock engages a notch on the elbow adjacent the second end when in the locked position. Francisco et al. has no equivalent notch on its nasal tubes. It is submitted that the notch provides a feature which is not present without the notch. The notch provides a positive index so that the gas inlet end of the elbow is directed towards the top of the patient's head. Consequently, claim 3 cannot be obvious over Francisco et al. and the rejection should be withdrawn.

New claim 4 further defines the mask body as defining a chamber which is adapted to enclose a patient's nose and that the elbow has a passage which connects between the first end and the chamber. Such an arrangement is not shown in

Francisco et al. Accordingly, it is submitted that claim 4 is patentable over Francisco et al. and the other art of record.

In summary, it is submitted that Francisco et al. is directed to an invention which is entirely different from applicants' claimed invention. Francisco et al. is directed to a nasal cannula which includes a frame similar to an eyeglass frame. Two J-shaped nasal tubes 15 are frictionally secured to a fitting 12 on the frame which is connected to a source of gas. The position of the nasal tubes 15 in the fitting 12 can be adjusted to allow gas discharge ends to be inserted into the patient's nares. There is no fitting or elbow between the frame and the source of gas which can be either unlocked to rotate or locked to direct a gas inlet end towards the top of a patient's head or released to allow the elbow to swivel or rotate. Applicants' claimed invention is for a nasal mask, not a cannula. By definition, a "mask" covers something, and a nasal mask covers the nose, as distinguished from being inserted into the nose as with a nasal cannula. The nasal tubes or cannulas 15 in Francisco et al. are not equivalent to the claimed elbow, since they do not have a first end connected to a mask body to rotate about an axis and a second end adapted to be connected to a source of gas. In view of these differences, original claims 1-3 and new claim 4 are patentable over Francisco et al.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Enclosures

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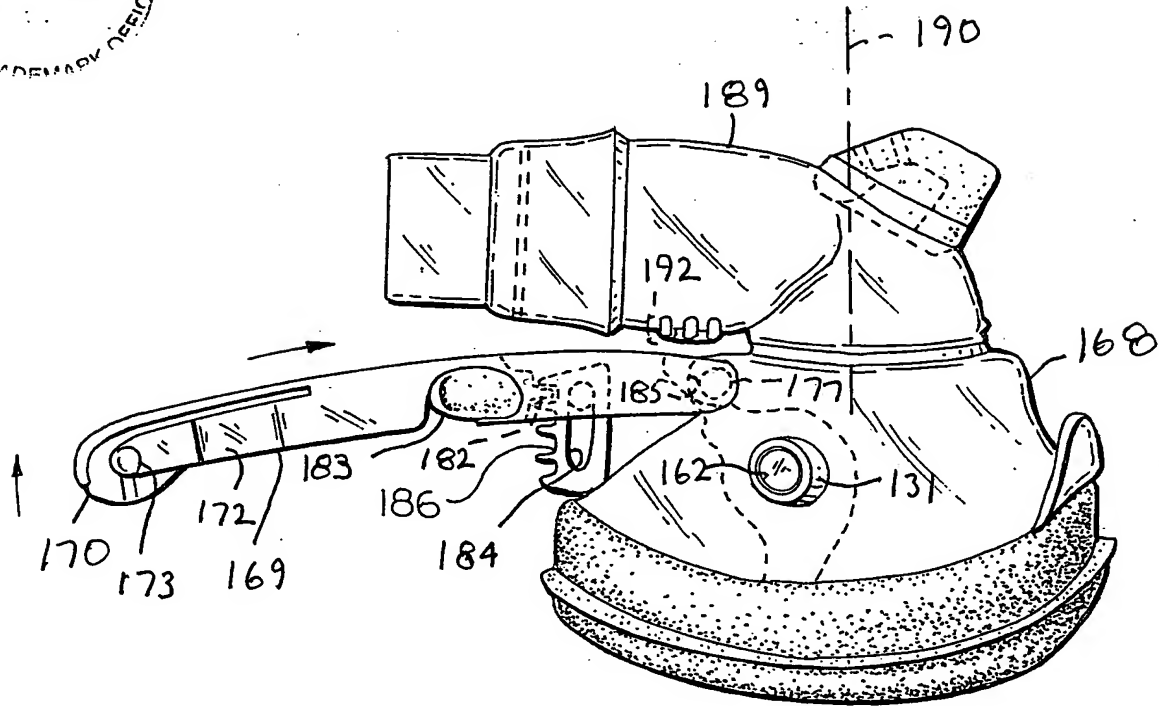


FIG. 30

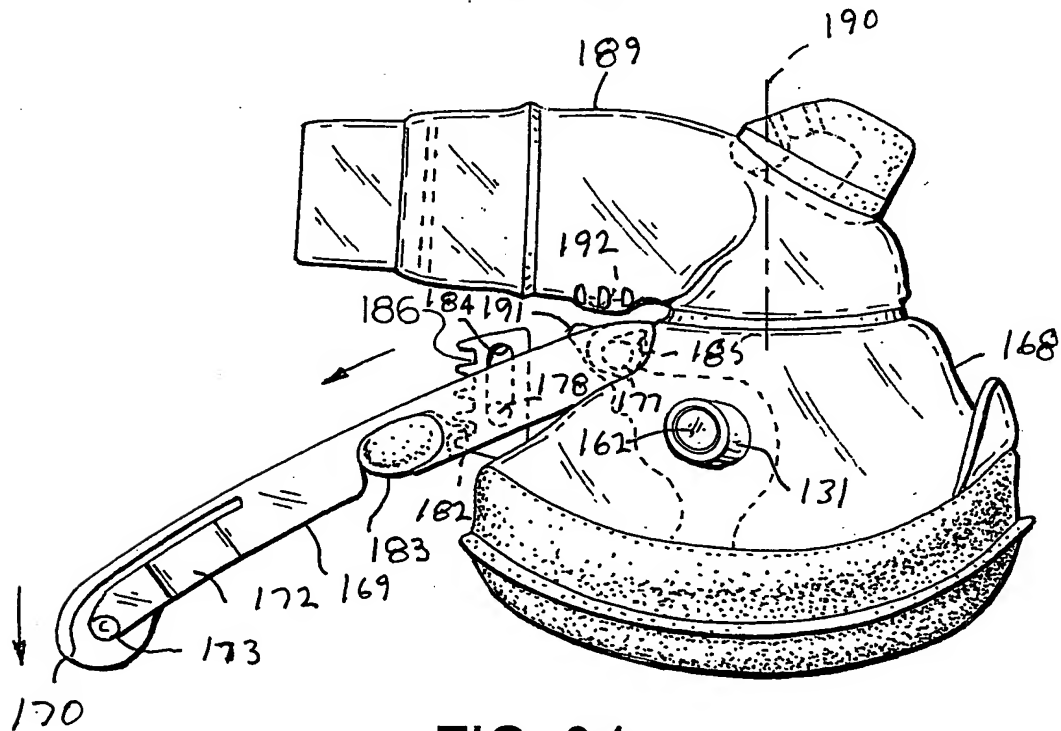


FIG. 31